

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 25-42 are currently pending. Claims 41 and 42 are withdrawn without prejudice or disclaimer of subject matter. Claims 1-24 have been canceled without prejudice or disclaimer of subject matter. Claims 25, 30, 35, and 36, which are independent, are amended. Support for this amendment is provided throughout the specification, specifically at page 14, lines 5-15.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. SUPPORT FOR THIS AMENDMENT

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, non-limiting exemplary support of the amendment can be found at page 14, lines 5-15 of the Specification, which is reproduced as follows:

Page 14, lines 5-15, Alternatively, portions containing commands may be shown in a color different from the other portions or in a different kind of different size of font to distinguish from others. It is also possible to show icons 35 indicating commands for determining behaviors of electronic devices as shown in Fig. 6.

III. REJECTIONS UNDER 35 U.S.C. §112 AND §103(a)

Claims 25-40 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 25-40 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,552,833 to Henmi, et al. (hereinafter, merely "Henmi") in view of U.S. Patent No. 5,204,662 to Oda et al. (hereinafter, merely "Oda") and further in view of U.S. Patent No. 5,787,259 to Haroun, et al. (hereinafter, merely "Haroun") and further in view of U.S. Patent No. 5,353,399 to Kuwamoto et al. (hereinafter, merely "Kuwamoto").

IV. RESPONSE TO REJECTIONS

A. Response to Rejections Under 35 U.S.C. §112

Claims 25-40 are amended, thereby obviating the rejections. Applicant respectfully requests withdrawal of the rejection.

B. Response to Rejections Under 35 U.S.C. §103(a)

Initially, Applicants point to the MPEP, which states that a *prima facie* case of obviousness requires that the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, for an invention to be obvious, a person of ordinary skill in the art would have had reason to attempt to make the composition or device, or carry out the claimed process, and would have had a reasonable expectation of success in doing so.

Pharmastem Therapeutics, Inc. v. Viacell, Inc. 491 F.3d 1342, 1360 (2007) (quoting *KSR*, 127 S. Ct. 1727, 1740 (a combination of elements “must do more than yield a predictable result”; combining elements that work together “in an unexpected and fruitful manner” would not have been obvious)). Further, “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR*, 127 S. Ct. 1727, 1741.

Claim 25 recites, *inter alia*:

...wherein the text portion ... includes icons indicating commands for determining functions of the recording module.
(emphasis added)

Applicant respectfully submits that Henmi, Oda, Haroun, and Kuwamoto, taken either alone or in combination, fail to teach or disclose the above-identified features of claim 25. Specifically, nothing is found that teaches or discloses **wherein the text portion ... includes icons indicating commands for determining functions of the recording module**, as recited in claim 25.

In contrast, Kuwamoto (see Kuwamoto, column 11, lines 20-45) shows icons that represent an operating state of a shared source. When shared sources are operating, the icons

show the operating states. However, the icons do not determine or control the functions of the shared sources.

Indeed, Kuwamoto teaches away from the present invention, since an operation of a shared source, as described in Kuwamoto, is completely different than the icons indicating commands for determining functions of the recording module, as recited in claim 1.

Claims 30, 35, and 36, which recite similar feature with that of claim 25, are also patentable for similar reasons.

As nothing in the prior art cited in the Office Action cures the above-identified deficiencies, Applicant respectfully requests reconsideration and withdrawal of the rejections.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. As nothing in the prior art cited in the Office Action cures the above-identified deficiencies, Applicant respectfully requests reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on


each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application,

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800